

AMENDED IN SENATE MARCH 17, 2015

AMENDED IN SENATE FEBRUARY 4, 2015

SENATE BILL

No. 12

Introduced by Senator Beall

(Coauthors: Senators Hertzberg and Wieckowski)

(Coauthors: Assembly Members Chu and Maienschein)

December 1, 2014

An act to amend Sections 303, 388, 388.1, 450, 607.2, 11400, 11401, 11403, and 11405 of the Welfare and Institutions Code, relating to foster youth.

LEGISLATIVE COUNSEL'S DIGEST

SB 12, as amended, Beall. Foster youth.

Existing law, the California Fostering Connections to Success Act, revises and expands the scope of various programs relating to cash assistance and other services to and for the benefit of certain foster and adopted children, and other children who have been placed in out-of-home care, including children who receive Aid to Families with Dependent Children-Foster Care (AFDC-FC), Adoption Assistance Program, California Work Opportunity and Responsibility to Kids (CalWORKs), and Kinship Guardianship Assistance Payment (Kin-GAP) benefits. Among other provisions, the act extends specified foster care benefits to youth up to 21 years of age, if specified conditions are met.

Existing law defines a nonminor dependent for these purposes as a foster child who is a current dependent child or ward of the juvenile court, or who is a nonminor under the transition jurisdiction of the juvenile court pursuant to a voluntary reentry agreement, and in accordance with a transitional independent living case plan who has

attained 18 years of age while under an order of foster care placement by the juvenile court and is not older than 21 years of age. Existing law defines a nonminor former dependent or ward as a person who meets these criteria who reached 18 years of age while subject to an order for foster care placement, for whom dependency, delinquency, or transition jurisdiction has been terminated, and who is still under the general jurisdiction of the court.

This bill would revise the definition of a nonminor dependent and former nonminor dependent to include a nonminor who was subject to an order for foster care placement at any time before he or she attained 12 years of age and who has not attained 21 years of age. This bill would make conforming changes to allow a court to assume or resume dependency jurisdiction or transition jurisdiction over a nonminor who satisfies this criteria. Because the bill would expand the application of the above county administered programs, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 303 of the Welfare and Institutions Code
2 is amended to read:
3 303. (a) The court may retain jurisdiction over any person who
4 is found to be a ward or a dependent child of the juvenile court
5 until the ward or dependent child attains the age of 21 years.
6 (b) The court shall have within its jurisdiction any nonminor
7 dependent, as defined in subdivision (v) of Section 11400. The
8 court may terminate its dependency, delinquency, or transition
9 jurisdiction over the nonminor dependent between the time the
10 nonminor reaches the age of majority and 21 years of age. If the
11 court terminates dependency, delinquency, or transition
12 jurisdiction, the nonminor dependent shall remain under the general

1 jurisdiction of the court in order to allow for a petition under
2 subdivision (e) of Section 388.

3 (c) A nonminor who has not yet attained 21 years of age and
4 who was previously under the jurisdiction of the juvenile court
5 subject to an order for foster care placement at any time after
6 attaining 12 years of age, may petition the court pursuant to
7 subdivision (e) of Section 388 to resume dependency jurisdiction
8 over himself or herself or to assume transition jurisdiction over
9 himself or herself pursuant to Section 450.

10 (d) (1) Nothing in this code, including, but not limited to,
11 Sections 340, 366.27, and 369.5, shall be construed to provide
12 legal custody of a person who has attained 18 years of age to the
13 county welfare or probation department or to otherwise abrogate
14 any other rights that a person who has attained 18 years of age
15 may have as an adult under California law. A nonminor dependent
16 shall retain all of his or her legal decisionmaking authority as an
17 adult. The nonminor shall enter into a mutual agreement for
18 placement, as described in subdivision (u) of Section 11400, unless
19 the nonminor dependent is incapable of making an informed
20 agreement, or a voluntary reentry agreement, as described in
21 subdivision (z) of Section 11400, for placement and care in which
22 the nonminor consents to placement and care in a setting supervised
23 by, and under the responsibility of, the county child welfare
24 services department, the county probation department, or Indian
25 tribe, tribal organization, or consortium of tribes that entered into
26 an agreement pursuant to Section 10553.1.

27 (2) A nonminor dependent who remains under delinquency
28 jurisdiction in order to complete his or her rehabilitative goals and
29 is under a foster care placement order is not required to complete
30 the mutual agreement as described in subdivision (u) of Section
31 11400. His or her adult decisionmaking authority may be limited
32 by and subject to the care, supervision, custody, conduct, and
33 maintenance orders as described in Section 727.

34 (e) Unless otherwise specified, the rights of a dependent child
35 and the responsibilities of the county welfare or probation
36 department, or tribe, and other entities, toward the child and family,
37 shall also apply to nonminor dependents.

38 SEC. 2. Section 388 of the Welfare and Institutions Code is
39 amended to read:

1 388. (a) (1) Any parent or other person having an interest in
2 a child who is a dependent child of the juvenile court or a nonminor
3 dependent as defined in subdivision (v) of Section 11400, or the
4 child himself or herself or the nonminor dependent through a
5 properly appointed guardian may, upon grounds of change of
6 circumstance or new evidence, petition the court in the same action
7 in which the child was found to be a dependent child of the juvenile
8 court or in which a guardianship was ordered pursuant to Section
9 360 for a hearing to change, modify, or set aside any order of court
10 previously made or to terminate the jurisdiction of the court. The
11 petition shall be verified and, if made by a person other than the
12 child or the nonminor dependent shall state the petitioner's
13 relationship to or interest in the child or the nonminor dependent
14 and shall set forth in concise language any change of circumstance
15 or new evidence that is alleged to require the change of order or
16 termination of jurisdiction.

17 (2) When any party, including a child who is a dependent of the
18 juvenile court, petitions the court prior to an order terminating
19 parental rights, to modify the order that reunification services were
20 not needed pursuant to paragraphs (4), (5), and (6) of subdivision
21 (b) of Section 361.5, or to modify any orders related to custody or
22 visitation of the subject child, and the court orders a hearing
23 pursuant to subdivision (d), the court shall modify the order that
24 reunification services were not needed pursuant to paragraphs (4),
25 (5), and (6) of subdivision (b) of Section 361.5, or any orders
26 related to the custody or visitation of the child for whom
27 reunification services were not ordered pursuant to paragraphs (4),
28 (5), and (6) of subdivision (b) of Section 361.5, only if the court
29 finds by clear and convincing evidence that the proposed change
30 is in the best interests of the child.

31 (b) (1) Any person, including a child or a nonminor dependent
32 who is a dependent of the juvenile court, may petition the court to
33 assert a relationship as a sibling related by blood, adoption, or
34 affinity through a common legal or biological parent to a child
35 who is, or is the subject of a petition for adjudication as, a
36 dependent of the juvenile court, and may request visitation with
37 the dependent child, placement with or near the dependent child,
38 or consideration when determining or implementing a case plan
39 or permanent plan for the dependent child or make any other

1 request for an order which may be shown to be in the best interest
2 of the dependent child.

3 (2) A child or nonminor dependent who is a dependent of the
4 juvenile court may petition the court to assert a relationship as a
5 sibling related by blood, adoption, or affinity through a common
6 legal or biological parent to a child who is in the physical custody
7 of a common legal or biological parent, and may request visitation
8 with the nondependent sibling in parental custody.

9 (3) Pursuant to subdivision (b) of Section 16002, a request for
10 sibling visitation may be granted unless it is determined by the
11 court that sibling visitation is contrary to the safety and well-being
12 of any of the siblings.

13 (4) The court may appoint a guardian ad litem to file the petition
14 for a dependent child asserting a sibling relationship pursuant to
15 this subdivision if the court determines that the appointment is
16 necessary for the best interests of the dependent child. The petition
17 shall be verified and shall set forth the following:

18 (A) Through which parent he or she is related to the sibling.

19 (B) Whether he or she is related to the sibling by blood,
20 adoption, or affinity.

21 (C) The request or order that the petitioner is seeking.

22 (D) Why that request or order is in the best interest of the
23 dependent child.

24 (c) (1) Any party, including a child who is a dependent of the
25 juvenile court, may petition the court, prior to the hearing set
26 pursuant to subdivision (f) of Section 366.21 for a child described
27 by subparagraph (A) of paragraph (1) of subdivision (a) of Section
28 361.5, or prior to the hearing set pursuant to subdivision (e) of
29 Section 366.21 for a child described by subparagraph (B) or (C)
30 of paragraph (1) of subdivision (a) of Section 361.5, to terminate
31 court-ordered reunification services provided under subdivision
32 (a) of Section 361.5 only if one of the following conditions exists:

33 (A) It appears that a change of circumstance or new evidence
34 exists that satisfies a condition set forth in subdivision (b) or (e)
35 of Section 361.5 justifying termination of court-ordered
36 reunification services.

37 (B) The action or inaction of the parent or guardian creates a
38 substantial likelihood that reunification will not occur, including,
39 but not limited to, the parent's or guardian's failure to visit the

1 child, or the failure of the parent or guardian to participate regularly
2 and make substantive progress in a court-ordered treatment plan.

3 (2) In determining whether the parent or guardian has failed to
4 visit the child or participate regularly or make progress in the
5 treatment plan, the court shall consider factors that include but are
6 not limited to, the parent's or guardian's incarceration,
7 institutionalization, detention by the United States Department of
8 Homeland Security, deportation, or participation in a court-ordered
9 residential substance abuse treatment program.

10 (3) The court shall terminate reunification services during the
11 above-described time periods only upon a finding by a
12 preponderance of evidence that reasonable services have been
13 offered or provided, and upon a finding of clear and convincing
14 evidence that one of the conditions in subparagraph (A) or (B) of
15 paragraph (1) exists.

16 (4) Any party, including a nonminor dependent, as defined in
17 subdivision (v) of Section 11400, may petition the court prior to
18 the review hearing set pursuant to subdivision (d) of Section 366.31
19 to terminate the continuation of court-ordered family reunification
20 services for a nonminor dependent who has attained 18 years of
21 age. The court shall terminate family reunification services to the
22 parent or guardian if the nonminor dependent or parent or guardian
23 are not in agreement that the continued provision of court-ordered
24 family reunification services is in the best interests of the nonminor
25 dependent.

26 (5) If the court terminates reunification services, it shall order
27 that a hearing pursuant to Section 366.26 be held within 120 days.
28 On and after January 1, 2012, a hearing pursuant to Section 366.26
29 shall not be ordered if the child is a nonminor dependent. The court
30 may order a nonminor dependent who is otherwise eligible to
31 AFDC-FC benefits pursuant to Section 11403 to remain in a
32 planned, permanent living arrangement.

33 (d) If it appears that the best interests of the child or the
34 nonminor dependent may be promoted by the proposed change of
35 order, modification of reunification services, custody, or visitation
36 orders concerning a child for whom reunification services were
37 not ordered pursuant to paragraphs (4), (5), and (6) of subdivision
38 (b) of Section 361.5, recognition of a sibling relationship,
39 termination of jurisdiction, or clear and convincing evidence
40 supports revocation or termination of court-ordered reunification

1 services, the court shall order that a hearing be held and shall give
2 prior notice, or cause prior notice to be given, to the persons and
3 in the manner prescribed by Section 386, and, in those instances
4 in which the manner of giving notice is not prescribed by those
5 sections, then in the manner the court prescribes.

6 (e) (1) A nonminor who attained 12 years of age while subject
7 to an order for foster care placement and who has not attained 21
8 years of age for whom the court has dismissed dependency
9 jurisdiction pursuant to Section 391, or delinquency jurisdiction
10 pursuant to Section 607.2, or transition jurisdiction pursuant to
11 Section 452, but has retained general jurisdiction under subdivision
12 (b) of Section 303, or the county child welfare services, probation
13 department, or tribal placing agency on behalf of the nonminor,
14 may petition the court in the same action in which the child was
15 found to be a dependent or delinquent child of the juvenile court,
16 for a hearing to resume the dependency jurisdiction over a former
17 dependent or to assume or resume transition jurisdiction over a
18 former delinquent ward pursuant to Section 450. The petition shall
19 be filed within the period that the nonminor is of the age described
20 in this paragraph. If the nonminor has completed the voluntary
21 reentry agreement, as described in subdivision (z) of Section 11400,
22 with the placing agency, the agency shall file the petition on behalf
23 of the nonminor within 15 judicial days of the date the agreement
24 was signed unless the nonminor elects to file the petition at an
25 earlier date.

26 (2) (A) The petition to resume jurisdiction may be filed in the
27 juvenile court that retains general jurisdiction under subdivision
28 (b) of Section 303, or the petition may be submitted to the juvenile
29 court in the county where the youth resides and forwarded to the
30 juvenile court that retained general jurisdiction and filed with that
31 court. The juvenile court having general jurisdiction under Section
32 303 shall receive the petition from the court where the petition
33 was submitted within five court days of its submission, if the
34 petition is filed in the county of residence. The juvenile court that
35 retained general jurisdiction shall order that a hearing be held
36 within 15 judicial days of the date the petition was filed if there is
37 a prima facie showing that the nonminor satisfies the following
38 criteria:

39 (i) He or she was previously under juvenile court jurisdiction,
40 subject to an order for foster care placement at any time after the

1 youth attained 12 years of age, and has not attained the age ~~limits~~
2 *limit* described in paragraph (1).

3 (ii) He or she intends to satisfy at least one of the conditions set
4 forth in paragraphs (1) to (5), inclusive, of subdivision (b) of
5 Section 11403.

6 (iii) He or she wants assistance either in maintaining or securing
7 appropriate supervised placement, or is in need of immediate
8 placement and agrees to supervised placement pursuant to the
9 voluntary reentry agreement as described in subdivision (z) of
10 Section 11400.

11 (B) Upon ordering a hearing, the court shall give prior notice,
12 or cause prior notice to be given, to the persons and by the means
13 prescribed by Section 386, except that notice to parents or former
14 guardians shall not be provided unless the nonminor requests, in
15 writing on the face of the petition, notice to the parents or former
16 guardians.

17 (3) The Judicial Council, by January 1, 2012, shall adopt rules
18 of court to allow for telephonic appearances by nonminor former
19 dependents or delinquents in these proceedings, and for telephonic
20 appearances by nonminor dependents in any proceeding in which
21 the nonminor dependent is a party, and he or she declines to appear
22 and elects a telephonic appearance.

23 (4) Prior to the hearing on a petition to resume dependency
24 jurisdiction or to assume or resume transition jurisdiction, the court
25 shall order the county child welfare or probation department to
26 prepare a report for the court addressing whether the nonminor
27 intends to satisfy at least one of the criteria set forth in subdivision
28 (b) of Section 11403. When the recommendation is for the
29 nonminor dependent to be placed in a setting where minor
30 dependents also reside, the results of a background check of the
31 petitioning nonminor conducted pursuant to Section 16504.5, may
32 be used by the placing agency to determine appropriate placement
33 options for the nonminor. The existence of a criminal conviction
34 is not a bar to eligibility for reentry or resumption of dependency
35 jurisdiction or the assumption or resumption of transition
36 jurisdiction over a nonminor.

37 (5) (A) The court shall resume dependency jurisdiction over a
38 former dependent or assume or resume transition jurisdiction over
39 a former delinquent ward pursuant to Section 450, and order that
40 the nonminor's placement and care be under the responsibility of

1 the county child welfare services department, the probation
2 department, tribe, consortium of tribes, or tribal organization, if
3 the court finds all of the following:

4 (i) The nonminor was previously under juvenile court
5 jurisdiction subject to an order for foster care placement at any
6 time after he or she attained 12 years of age.

7 (ii) The nonminor has not attained the age ~~limits~~ *limit* described
8 in paragraph (1).

9 (iii) Reentry and remaining in foster care are in the nonminor's
10 best interests.

11 (iv) The nonminor intends to satisfy, and agrees to satisfy, at
12 least one of the criteria set forth in paragraphs (1) to (5), inclusive,
13 of subdivision (b) of Section 11403, and demonstrates his or her
14 agreement to placement in a supervised setting under the placement
15 and care responsibility of the placing agency and to satisfy the
16 criteria by signing the voluntary reentry agreement as described
17 in subdivision (z) of Section 11400.

18 (B) In no event shall the court grant a continuance that would
19 cause the hearing to resume dependency jurisdiction or to assume
20 or resume transition jurisdiction to be completed more than 120
21 days after the date the petition was filed.

22 (C) The agency made responsible for the nonminor's placement
23 and care pursuant to subparagraph (A) shall prepare a new
24 transitional independent living case plan within 60 calendar days
25 from the date the nonminor signed the voluntary reentry agreement
26 as described in subdivision (z) of Section 11400 and submit it to
27 the court for the review hearing under Section 366.31, to be held
28 within 70 days of the resumption of dependency jurisdiction or
29 assumption or resumption of transition jurisdiction. In no event
30 shall the review hearing under Section 366.3 be held more than
31 170 calendar days from the date the nonminor signed the voluntary
32 reentry agreement.

33 SEC. 3. Section 388.1 of the Welfare and Institutions Code is
34 amended to read:

35 388.1. (a) On and after January 1, 2014, a nonminor who has
36 not attained 21 years of age may petition the court in which he or
37 she was previously found to be a dependent or delinquent child of
38 the juvenile court for a hearing to determine whether to assume
39 dependency jurisdiction over the nonminor, if he or she meets any
40 of the following descriptions:

(1) He or she is a nonminor former dependent, as defined in subdivision (aa) of Section 11400, who received aid after attaining ~~12~~ 18 years of age under Kin-GAP pursuant to Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with Section 11385) of Chapter 2 of Part 3 of Division 9, or pursuant to subdivision (e) of Section 11405, and whose former guardian or guardians died after the nonminor attained 18 years of age, but before he or she attains 21 years of age.

(2) He or she is a nonminor former dependent, as defined in subdivision (aa) of Section 11400, who received aid after attaining ~~12~~ 18 years of age under Kin-GAP pursuant to Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with Section 11385) of Chapter 2 of Part 3 of Division 9, or pursuant to subdivision (e) of Section 11405, and whose former guardian or guardians no longer provide ongoing support to, *and no longer receive aid on behalf of*, the nonminor after the nonminor attained 18 years of age, but before he or she attains 21 years of age.

(3) He or she is a nonminor who received adoption assistance payments after attaining ~~12~~ 18 years of age pursuant to Chapter 2.1 (commencing with Section 16115) of Part 4 of Division 9 and his or her adoptive parent or parents died after the nonminor attained 18 years of age, but before he or she attains 21 years of age.

(4) He or she is a nonminor who received adoption assistance payments after attaining ~~12~~ 18 years of age pursuant to Chapter 2.1 (commencing with Section 16115) of Part 4 of Division 9 and his or her adoptive parent or parents no longer provide ongoing support to, *and no longer receive aid on behalf of*, the nonminor after the nonminor attained 18 years of age, but before he or she attains 21 years of age.

(5) He or she is a nonminor who was previously under the jurisdiction of the juvenile court subject to an order for foster care placement at any time after he or she attained 12 years of age and who has not attained 21 years of age.

(b) (1) The petition to assume jurisdiction may be filed in either of the following:

(A) The juvenile court that established the guardianship pursuant to Section 360, Section 366.26, or subdivision (d) of Section 728.

1 (B) The juvenile court that had jurisdiction over the minor or
2 nonminor dependent when his or her adoption was finalized.

3 (2) A nonminor described in subdivision (a) may submit a
4 petition to assume dependency jurisdiction to the juvenile court
5 in the county where he or she resides. A petition submitted pursuant
6 to this paragraph shall, within five days of submission, be
7 forwarded to the court that had jurisdiction over the child at the
8 time of the guardianship or adoption. The clerk of the court that
9 had jurisdiction over the child at the time of the guardianship or
10 adoption shall file the petition within one judicial day of receipt.

11 (c) (1) The juvenile court in which the petition was filed shall
12 order a hearing to be held within 15 judicial days of the date the
13 petition was filed if there is a prima facie showing that the
14 nonminor satisfies all of the following criteria:

15 (A) He or she was a minor under juvenile court jurisdiction at
16 the time of the establishment of a guardianship pursuant to Section
17 360, Section 366.26, or subdivision (d) of Section 728, or he or
18 she was a minor or nonminor dependent when his or her adoption
19 was finalized.

20 (B) (i) His or her guardian or guardians, or adoptive parent or
21 parents, as applicable, died after the nonminor attained 18 years
22 of age, but before he or she attained 21 years of age.

23 (ii) His or her guardian or guardians, or adoptive parent or
24 parents, as applicable, no longer provide ongoing support to, *and*
25 *no longer receive aid on behalf of*, the nonminor after the nonminor
26 attained 18 years of age, but before he or she attained 21 years of
27 age, and it may be in the nonminor's best interest for the court to
28 assume dependency jurisdiction.

29 (C) He or she intends to satisfy at least one of the conditions
30 set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of
31 Section 11403.

32 (D) He or she is requesting assistance in maintaining or securing
33 appropriate supervised placement, or needs immediate placement
34 and agrees to supervised placement pursuant to the voluntary
35 reentry agreement described in subdivision (z) of Section 11400.

36 (2) Upon ordering a hearing, the court shall give prior notice,
37 or cause prior notice to be given, to the nonminor, the appropriate
38 child welfare agency or probation department, and any other person
39 requested by the nonminor in the petition.

1 (3) Pursuant to applicable rules of court, the juvenile court shall
2 allow for telephonic appearances by the nonminor in these
3 proceedings and in any proceeding in which the nonminor
4 dependent is a party.

5 (4) Prior to the hearing, the court shall order the county child
6 welfare or probation department to prepare a report for the court
7 that addresses both of the following:

8 (A) The nonminor's plans to satisfy at least one of the criteria
9 set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of
10 Section 11403.

11 (B) The appropriate placement setting for the nonminor. When
12 the recommendation is for the nonminor to be placed in a setting
13 where minor dependents also reside, the results of a background
14 check of the petitioning nonminor conducted pursuant to Section
15 16504.5 may be used by the placing agency to determine
16 appropriate placement options for him or her.

17 (5) The court shall assume dependency jurisdiction over a former
18 dependent or ward, and order his or her placement and care be
19 under the responsibility of the county child welfare services
20 department, the probation department, tribe, consortium of tribes,
21 or tribal organization, if the court finds all of the following:

22 (A) The nonminor was a minor under juvenile court jurisdiction
23 at the time of the establishment of a guardianship pursuant to
24 Section 360, Section 366.26, or subdivision (d) of Section 728, or
25 he or she was a dependent at the time his or her adoption was
26 finalized.

27 (B) The nonminor's guardian or guardians, or adoptive parent
28 or parents, as applicable, have died, or no longer provide ongoing
29 support to, *and no longer receive aid on behalf of*, the nonminor,
30 and it is in the nonminor's best interests for the court to assume
31 dependency jurisdiction.

32 (C) The nonminor has not attained 21 years of age.

33 (D) Reentry and remaining in foster care are in the nonminor's
34 best interests.

35 (E) The nonminor intends to satisfy, and agrees to satisfy, at
36 least one of the criteria set forth in paragraphs (1) to (5), inclusive,
37 of subdivision (b) of Section 11403, and demonstrates his or her
38 agreement to placement in a supervised setting under the placement
39 and care responsibility of the placing agency by signing the

1 voluntary reentry agreement described in subdivision (z) of Section
2 11400.

3 (6) The existence of a criminal conviction is not a bar to
4 eligibility for reentry to foster care or assumption of dependency
5 jurisdiction over a nonminor.

6 (7) The court shall not grant a continuance that would cause the
7 hearing to be completed more than 120 days after the date the
8 petition is filed.

9 (d) The agency made responsible for the nonminor's placement
10 and care pursuant to paragraph (5) of subdivision (c) shall prepare
11 a new transitional independent living case plan within 60 calendar
12 days of the date the nonminor signs the voluntary reentry agreement
13 and shall submit the plan to the court for the review hearing
14 specified in Section 366.31, to be held within 70 days of the
15 assumption of dependency jurisdiction. The review hearing under
16 Section 366.31 shall not be held more than 170 calendar days from
17 the date the nonminor signs the voluntary reentry agreement.

18 (e) (1) A nonminor described in subdivision (a) may enter into
19 a voluntary reentry agreement as defined in subdivision (z) of
20 Section 11400 in order to establish eligibility for foster care
21 benefits under subdivision (e) of Section 11401 before or after
22 filing a petition to assume dependency jurisdiction. If the nonminor
23 enters into a voluntary reentry agreement prior to filing the petition,
24 the nonminor is entitled to placement and supervision pending the
25 court's assumption of jurisdiction.

26 (2) If the nonminor completes a voluntary reentry agreement
27 with a placing agency, the placing agency shall file the petition to
28 assume dependency jurisdiction on behalf of the nonminor within
29 15 judicial days of the date the agreement is signed, unless the
30 nonminor elects to file the petition at an earlier date.

31 SEC. 4. Section 450 of the Welfare and Institutions Code is
32 amended to read:

33 450. (a) A minor or nonminor who satisfies all of the following
34 criteria is within the transition jurisdiction of the juvenile court:

35 (1) (A) The minor is a ward who is older than 17 years and 5
36 months of age and younger than 18 years of age and in foster care
37 placement, or the nonminor is a ward in foster care placement who
38 was a ward subject to an order for foster care placement at any
39 time after the youth attained 12 years of age and who has not
40 attained 21 years of age.

(B) Notwithstanding subparagraph (A), the nonminor is a ward who has been receiving aid pursuant to Article 5 (commencing with Section 11400) of Chapter 2 of Part 3 of Division 9 ~~between January 1, 2012, and December 31, 2012, and attains 19 years of age prior to January 1, 2013, or who has been receiving that aid between January 1, 2013, and December 31, 2013, and attains 20 years of age prior to January 1, 2014,~~ and who may continue to receive aid under the applicable program, provided that the nonminor dependent continues to meet all other applicable eligibility requirements as specified in Section 11403.

(2) The ward meets either of the following conditions:

(A) The ward was removed from the physical custody of his or her parents or legal guardian, adjudged to be a ward of the juvenile court under Section 725, and ordered into foster care placement as a ward.

(B) The ward was removed from the custody of his or her parents or legal guardian as a dependent of the court with an order for foster care placement as a dependent in effect at the time the court adjudged him or her to be a ward of the juvenile court under Section 725.

(3) The rehabilitative goals of the minor or nonminor, as set forth in the case plan, have been met, and juvenile court jurisdiction over the minor or nonminor as a ward is no longer required.

(4) (A) If the ward is a minor, reunification services have been terminated; the matter has not been set for a hearing for termination of parental rights pursuant to Section 727.3 or for the establishment of guardianship pursuant to Section 728; the return of the child to the physical custody of the parents or legal guardian would create a substantial risk of detriment to the child's safety, protection, or physical or emotional well-being; and the minor has indicated an intent to sign a mutual agreement, as described in subdivision (u) of Section 11400, with the responsible agency for placement in a supervised setting as a nonminor dependent.

(B) If the ward is a nonminor, he or she has signed a mutual agreement, as described in subdivision (u) of Section 11400, with the responsible agency for placement in a supervised setting as a nonminor dependent or has signed a voluntary reentry agreement, as described in subdivision (z) of Section 11400 for placement in a supervised setting as a nonminor dependent. A runaway and homeless youth shelter licensed by the State Department of Social

1 Services pursuant to Section 1502.35 of the Health and Safety
2 Code shall not be a placement option pursuant to this section.

3 (b) A minor who is subject to the court's transition jurisdiction
4 shall be referred to as a transition dependent.

5 (c) A youth subject to the court's transition jurisdiction who is
6 18 years of age or older shall be referred to as a nonminor
7 dependent.

8 SEC. 5. Section 607.2 of the Welfare and Institutions Code is
9 amended to read:

10 607.2. (a) The court shall hold a hearing prior to terminating
11 jurisdiction over a ward who satisfies any of the following criteria:

12 (1) Is a minor subject to an order for foster care placement
13 described in Section 11402 as a ward who has not previously been
14 subject to the jurisdiction of the court as a result of a petition filed
15 pursuant to Section 325.

16 (2) Is a nonminor who was subject to an order for foster care
17 placement described in Section 11402 at any time after he or she
18 attained 12 years of age and who has not attained 21 years of age.

19 (3) Is a ward who was subject to an order for foster care
20 placement described in Section 11402 as a dependent of the court
21 at the time the court adjudged the child to be a ward of the court
22 under Section 725.

23 (b) At a hearing during which termination of jurisdiction over
24 a ward described in subdivision (a) is being considered, the court
25 shall take one of the following actions:

26 (1) Modify its jurisdiction from delinquency jurisdiction to
27 transition jurisdiction, if the court finds the ward is a person
28 described in Section 450.

29 (2) (A) For a ward who was not previously subject to the
30 jurisdiction of the court as a result of a petition filed pursuant to
31 Section 325, order the probation department or the ward's attorney
32 to submit an application to the child welfare services department
33 pursuant to Section 329 to declare the minor a dependent of the
34 court and modify the court's jurisdiction from delinquency
35 jurisdiction to dependency jurisdiction, if the court finds all of the
36 following:

37 (i) The ward is a minor.

38 (ii) The ward does not come within the description in Section
39 450, but jurisdiction as a ward may no longer be required.

(iii) The ward appears to come within the description of Section 300 and cannot be returned home safely.

(B) The court shall set a hearing within 20 judicial days of the date of the order described in subparagraph (A) to review the child welfare services department's decision and may either affirm its decision not to file a petition pursuant to Section 300 or order the child welfare services department to file a petition pursuant to Section 300.

(3) Vacate the order terminating jurisdiction over the minor as a dependent of the court, resume jurisdiction pursuant to Section 300 based on the prior petition filed pursuant to Section 325, and terminate the court's jurisdiction over the minor as a ward, if the minor was subject to an order for foster care placement described in Section 11402 as a dependent of the court at the time the court adjudged the minor to be a ward and assumed jurisdiction over the minor under Section 725.

(4) Continue its delinquency jurisdiction over a ward pursuant to Section 303 as a nonminor dependent, as defined in subdivision (v) of Section 11400, who is eligible to remain in foster care pursuant to Section 11403, if the ward is a nonminor and the court did not modify its jurisdiction as described in Section 450, unless the court finds that after reasonable and documented efforts, the ward cannot be located or does not wish to become a nonminor dependent. In making this finding and prior to entering an order terminating its delinquency jurisdiction, the court shall ensure that the ward has had an opportunity to confer with his or her counsel and has been informed of his or her options, including the right to reenter foster care placement by completing a voluntary reentry agreement as described in subdivision (z) of Section 11400 and to file a petition pursuant to subdivision (e) of Section 388 for the court to assume or resume transition jurisdiction over him or her pursuant to Section 450. The fact that a ward declines to be a nonminor dependent does not restrict the authority of the court to maintain delinquency jurisdiction pursuant to Section 607.

(5) Continue its delinquency jurisdiction.

(6) Terminate its delinquency jurisdiction if the ward does not come within the provisions of paragraphs (1) to (4), inclusive.

(c) If the court modifies jurisdiction, its order shall comply with the requirements of subdivision (f) of Section 241.1.

1 (d) This section does not change the requirements of Section
2 727.2 or 727.3 with respect to reunification of minors with their
3 families or the establishment of an alternative permanent plan for
4 minors for whom reunification is not pursued.

5 SEC. 6. Section 11400 of the Welfare and Institutions Code is
6 amended to read:

7 11400. For purposes of this article, the following definitions
8 shall apply:

9 (a) “Aid to Families with Dependent Children-Foster Care
10 (AFDC-FC)” means the aid provided on behalf of needy children
11 in foster care under the terms of this division.

12 (b) “Case plan” means a written document that, at a minimum,
13 specifies the type of home in which the child shall be placed, the
14 safety of that home, and the appropriateness of that home to meet
15 the child’s needs. It shall also include the agency’s plan for
16 ensuring that the child receive proper care and protection in a safe
17 environment, and shall set forth the appropriate services to be
18 provided to the child, the child’s family, and the foster parents, in
19 order to meet the child’s needs while in foster care, and to reunify
20 the child with the child’s family. In addition, the plan shall specify
21 the services that will be provided or steps that will be taken to
22 facilitate an alternate permanent plan if reunification is not possible.

23 (c) “Certified family home” means a family residence certified
24 by a licensed foster family agency and issued a certificate of
25 approval by that agency as meeting licensing standards, and used
26 only by that foster family agency for placements.

27 (d) “Family home” means the family residence of a licensee in
28 which 24-hour care and supervision are provided for children.

29 (e) “Small family home” means any residential facility, in the
30 licensee’s family residence, which provides 24-hour care for six
31 or fewer foster children who have mental disorders or
32 developmental or physical disabilities and who require special care
33 and supervision as a result of their disabilities.

34 (f) “Foster care” means the 24-hour out-of-home care provided
35 to children whose own families are unable or unwilling to care for
36 them, and who are in need of temporary or long-term substitute
37 parenting.

38 (g) “Foster family agency” means any individual or organization
39 engaged in the recruiting, certifying, and training of, and providing
40 professional support to, foster parents, or in finding homes or other

1 places for placement of children for temporary or permanent care
2 who require that level of care as an alternative to a group home.
3 Private foster family agencies shall be organized and operated on
4 a nonprofit basis.

5 (h) “Group home” means a nondetention privately operated
6 residential home, organized and operated on a nonprofit basis only,
7 of any capacity, or a nondetention licensed residential care home
8 operated by the County of San Mateo with a capacity of up to 25
9 beds, that accepts children in need of care and supervision in a
10 group home, as defined by paragraph (13) of subdivision (a) of
11 Section 1502 of the Health and Safety Code.

12 (i) “Periodic review” means review of a child’s status by the
13 juvenile court or by an administrative review panel, that shall
14 include a consideration of the safety of the child, a determination
15 of the continuing need for placement in foster care, evaluation of
16 the goals for the placement and the progress toward meeting these
17 goals, and development of a target date for the child’s return home
18 or establishment of alternative permanent placement.

19 (j) “Permanency planning hearing” means a hearing conducted
20 by the juvenile court in which the child’s future status, including
21 whether the child shall be returned home or another permanent
22 plan shall be developed, is determined.

23 (k) “Placement and care” refers to the responsibility for the
24 welfare of a child vested in an agency or organization by virtue of
25 the agency or organization having (1) been delegated care, custody,
26 and control of a child by the juvenile court, (2) taken responsibility,
27 pursuant to a relinquishment or termination of parental rights on
28 a child, (3) taken the responsibility of supervising a child detained
29 by the juvenile court pursuant to Section 319 or 636, or (4) signed
30 a voluntary placement agreement for the child’s placement; or to
31 the responsibility designated to an individual by virtue of his or
32 her being appointed the child’s legal guardian.

33 (l) “Preplacement preventive services” means services that are
34 designed to help children remain with their families by preventing
35 or eliminating the need for removal.

36 (m) “Relative” means an adult who is related to the child by
37 blood, adoption, or affinity within the fifth degree of kinship,
38 including stepparents, stepsiblings, and all relatives whose status
39 is preceded by the words “great,” “great-great,” or “grand” or the

1 spouse of any of these persons even if the marriage was terminated
2 by death or dissolution.

3 (n) “Nonrelative extended family member” means an adult
4 caregiver who has an established familial or mentoring relationship
5 with the child, as described in Section 362.7.

6 (o) “Voluntary placement” means an out-of-home placement
7 of a child by (1) the county welfare department, probation
8 department, or Indian tribe that has entered into an agreement
9 pursuant to Section 10553.1, after the parents or guardians have
10 requested the assistance of the county welfare department and have
11 signed a voluntary placement agreement; or (2) the county welfare
12 department licensed public or private adoption agency, or the
13 department acting as an adoption agency, after the parents have
14 requested the assistance of either the county welfare department,
15 the licensed public or private adoption agency, or the department
16 acting as an adoption agency for the purpose of adoption planning,
17 and have signed a voluntary placement agreement.

18 (p) “Voluntary placement agreement” means a written agreement
19 between either the county welfare department, probation
20 department, or Indian tribe that has entered into an agreement
21 pursuant to Section 10553.1, licensed public or private adoption
22 agency, or the department acting as an adoption agency, and the
23 parents or guardians of a child that specifies, at a minimum, the
24 following:

25 (1) The legal status of the child.

26 (2) The rights and obligations of the parents or guardians, the
27 child, and the agency in which the child is placed.

28 (q) “Original placement date” means the most recent date on
29 which the court detained a child and ordered an agency to be
30 responsible for supervising the child or the date on which an agency
31 assumed responsibility for a child due to termination of parental
32 rights, relinquishment, or voluntary placement.

33 (r) (1) “Transitional housing placement provider” means an
34 organization licensed by the State Department of Social Services
35 pursuant to Section 1559.110 of the Health and Safety Code, to
36 provide transitional housing to foster children at least 16 years of
37 age and not more than 18 years of age, and nonminor dependents,
38 as defined in subdivision (v). A transitional housing placement
39 provider shall be privately operated and organized on a nonprofit
40 basis.

1 (2) Prior to licensure, a provider shall obtain certification from
2 the applicable county, in accordance with Section 16522.1.

3 (s) “Transitional Housing Program-Plus” means a provider
4 certified by the applicable county, in accordance with subdivision
5 (c) of Section 16522, to provide transitional housing services to
6 former foster youth who have exited the foster care system on or
7 after their 18th birthday.

8 (t) “Whole family foster home” means a new or existing family
9 home, approved relative caregiver or nonrelative extended family
10 member’s home, the home of a nonrelated legal guardian whose
11 guardianship was established pursuant to Section 360 or 366.26,
12 certified family home, or a host family home placement of a
13 transitional housing placement provider, that provides foster care
14 for a minor or nonminor dependent parent and his or her child,
15 and is specifically recruited and trained to assist the minor or
16 nonminor dependent parent in developing the skills necessary to
17 provide a safe, stable, and permanent home for his or her child.
18 The child of the minor or nonminor dependent parent need not be
19 the subject of a petition filed pursuant to Section 300 to qualify
20 for placement in a whole family foster home.

21 (u) “Mutual agreement” means any of the following:

22 (1) A written voluntary agreement of consent for continued
23 placement and care in a supervised setting between a minor or, on
24 and after January 1, 2012, a nonminor dependent, and the county
25 welfare services or probation department or tribal agency
26 responsible for the foster care placement, that documents the
27 nonminor’s continued willingness to remain in supervised
28 out-of-home placement under the placement and care of the
29 responsible county, tribe, consortium of tribes, or tribal
30 organization that has entered into an agreement with the state
31 pursuant to Section 10553.1, remain under the jurisdiction of the
32 juvenile court as a nonminor dependent, and report any change of
33 circumstances relevant to continued eligibility for foster care
34 payments, and that documents the nonminor’s and social worker’s
35 or probation officer’s agreement to work together to facilitate
36 implementation of the mutually developed supervised placement
37 agreement and transitional independent living case plan.

38 (2) An agreement, as described in paragraph (1), between a
39 nonminor former dependent or ward in receipt of Kin-GAP
40 payments under Article 4.5 (commencing with Section 11360) or

Article 4.7 (commencing with Section 11385), and the agency responsible for the Kin-GAP benefits, provided that the nonminor former dependent or ward satisfies the conditions described in Section 11403.01, or one or more of the conditions described in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403. For purposes of this paragraph and paragraph (3), “nonminor former dependent or ward” has the same meaning as described in subdivision (aa).

(3) An agreement, as described in paragraph (1), between a nonminor former dependent or ward in receipt of AFDC-FC payments under subdivision (e) or (f) of Section 11405 and the agency responsible for the AFDC-FC benefits, provided that the nonminor former dependent or ward described in subdivision (e) of Section 11405 satisfies one or more of the conditions described in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403, and the nonminor described in subdivision (f) of Section 11405 satisfies the secondary school or equivalent training or certificate program conditions described in that subdivision.

(v) “Nonminor dependent” means a foster child, as described in Section 675(8)(B) of Title 42 of the United States Code under the federal Social Security Act who is a current dependent child or ward of the juvenile court, or who is a nonminor under the transition jurisdiction of the juvenile court, as described in Section 450, and who satisfies all of the following criteria:

(1) He or she was subject to an order for foster care placement described in Section 11402 at any time after he or she attained 12 years of age and who has not attained 21 years of age.

(2) He or she is in foster care under the placement and care responsibility of the county welfare department, county probation department, Indian tribe, consortium of tribes, or tribal organization that entered into an agreement pursuant to Section 10553.1.

(3) He or she has a transitional independent living case plan pursuant to Section 475(8) of the federal Social Security Act (42 U.S.C. Sec. 675(8)), as contained in the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351), as described in Section 11403.

(w) “Supervised independent living placement” means, on and after January 1, 2012, an independent supervised setting, as specified in a nonminor dependent’s transitional independent living case plan, in which the youth is living independently, pursuant to

1 Section 472(c)(2) of the Social Security Act (42 U.S.C. Sec.
2 672(c)(2)).

3 (x) “Supervised independent living setting,” pursuant to Section
4 472(c)(2) of the federal Social Security Act (42 U.S.C. Sec.
5 672(c)(2)), includes both a supervised independent living
6 placement, as defined in subdivision (w), and a residential housing
7 unit certified by the transitional housing placement provider
8 operating a Transitional Housing Placement-Plus Foster Care
9 program, as described in paragraph (2) of subdivision (a) of Section
10 16522.1.

11 (y) “Transitional independent living case plan” means, on or
12 after January 1, 2012, a child’s case plan submitted for the last
13 review hearing held before he or she reaches 18 years of age or
14 the nonminor dependent’s case plan, updated every six months,
15 that describes the goals and objectives of how the nonminor will
16 make progress in the transition to living independently and assume
17 incremental responsibility for adult decisionmaking, the
18 collaborative efforts between the nonminor and the social worker,
19 probation officer, or Indian tribal placing entity and the supportive
20 services as described in the transitional independent living plan
21 (TILP) to ensure active and meaningful participation in one or
22 more of the eligibility criteria described in paragraphs (1) to (5),
23 inclusive, of subdivision (b) of Section 11403, the nonminor’s
24 appropriate supervised placement setting, and the nonminor’s
25 permanent plan for transition to living independently, which
26 includes maintaining or obtaining permanent connections to caring
27 and committed adults, as set forth in paragraph (16) of subdivision
28 (f) of Section 16501.1.

29 (z) “Voluntary reentry agreement” means a written voluntary
30 agreement between a former dependent child or ward or a former
31 nonminor dependent, who has had juvenile court jurisdiction
32 terminated pursuant to Section 391, 452, or 607.2, and the county
33 welfare or probation department or tribal placing entity that
34 documents the nonminor’s desire and willingness to reenter foster
35 care, to be placed in a supervised setting under the placement and
36 care responsibility of the placing agency, the nonminor’s desire,
37 willingness, and ability to immediately participate in one or more
38 of the conditions of paragraphs (1) to (5), inclusive, of subdivision
39 (b) of Section 11403, the nonminor’s agreement to work
40 collaboratively with the placing agency to develop his or her

1 transitional independent living case plan within 60 days of reentry,
2 the nonminor's agreement to report any changes of circumstances
3 relevant to continued eligibility for foster care payments, and (1)
4 the nonminor's agreement to participate in the filing of a petition
5 for juvenile court jurisdiction as a nonminor dependent pursuant
6 to subdivision (e) of Section 388 within 15 judicial days of the
7 signing of the agreement and the placing agency's efforts and
8 supportive services to assist the nonminor in the reentry process,
9 or (2) if the nonminor meets the definition of a nonminor former
10 dependent or ward, as described in subdivision (aa), the nonminor's
11 agreement to return to the care and support of his or her former
12 juvenile court-appointed guardian and meet the eligibility criteria
13 for AFDC-FC pursuant to subdivision (e) of Section 11405.

14 (aa) "Nonminor former dependent or ward" means, on and after
15 January 1, 2012, either of the following:

16 (1) A nonminor who was subject to an order for foster care
17 placement described in Section 11402 at any time after he or she
18 attained 12 years of age and who has not attained 21 years of age,
19 and for whom dependency, delinquency, or transition jurisdiction
20 has been terminated, and who is still under the general jurisdiction
21 of the court.

22 (2) A nonminor who is over 18 years of age and, while a minor,
23 was a dependent child or ward of the juvenile court when the
24 guardianship was established pursuant to Section 360 or 366.26,
25 or subdivision (d), of Section 728 and the juvenile court
26 dependency or wardship was dismissed following the establishment
27 of the guardianship.

28 (ab) "Runaway and homeless youth shelter" means a type of
29 group home, as defined in paragraph (14) of subdivision (a) of
30 Section 1502 of the Health and Safety Code, that is not an eligible
31 placement option under Sections 319, 361.2, 450, and 727, and
32 that is not eligible for AFDC-FC funding pursuant to subdivision
33 (c) of Section 11402 or Section 11462.

34 (ac) "Transition dependent" is a minor between 17 years and
35 five months and 18 years of age who is subject to the court's
36 transition jurisdiction under Section 450.

37 SEC. 7. Section 11401 of the Welfare and Institutions Code is
38 amended to read:

39 11401. Aid in the form of AFDC-FC shall be provided under
40 this chapter on behalf of any child under 18 years of age and to

1 any nonminor dependent who meets the conditions of any of the
2 following subdivisions:

3 (a) The child has been relinquished, for purposes of adoption,
4 to a licensed adoption agency, or the department, or the parental
5 rights of either or both of his or her parents have been terminated
6 after an action under the Family Code has been brought by a
7 licensed adoption agency or the department, provided that the
8 licensed adoption agency or the department, if responsible for
9 placement and care, provides to those children all services as
10 required by the department to children in foster care.

11 (b) The child has been removed from the physical custody of
12 his or her parent, relative, or guardian as a result of a voluntary
13 placement agreement or a judicial determination that continuance
14 in the home would be contrary to the child's welfare and that, if
15 the child was placed in foster care, reasonable efforts were made,
16 consistent with Chapter 5 (commencing with Section 16500) of
17 Part 4, to prevent or eliminate the need for removal of the child
18 from his or her home and to make it possible for the child to return
19 to his or her home, and any of the following applies:

20 (1) The child has been adjudged a dependent child of the court
21 on the grounds that he or she is a person described by Section 300.

22 (2) The child has been adjudged a ward of the court on the
23 grounds that he or she is a person described by Sections 601 and
24 602 or the nonminor is under the transition jurisdiction of the
25 juvenile court pursuant to Section 450.

26 (3) The child has been detained under a court order, pursuant
27 to Section 319 or 636, that remains in effect.

28 (4) The child's or nonminor's dependency jurisdiction, or
29 transition jurisdiction pursuant to Section 450, has resumed
30 pursuant to Section 387, or subdivision (a) or (e) of Section 388.

31 (c) The child has been voluntarily placed by his or her parent
32 or guardian pursuant to Section 11401.1.

33 (d) The child is living in the home of a nonrelated legal guardian.

34 (e) The child is a nonminor dependent who is placed pursuant
35 to a mutual agreement as set forth in subdivision (u) of Section
36 11400, under the placement and care responsibility of the county
37 child welfare services department, an Indian tribe that entered into
38 an agreement pursuant to Section 10553.1, or the county probation
39 department, or the child is a nonminor dependent reentering foster

1 care placement pursuant to a voluntary agreement, as set forth in
2 subdivision (z) of Section 11400.

3 (f) The child has been placed in foster care under the federal
4 Indian Child Welfare Act. Sections 11402, 11404, and 11405 shall
5 not be construed as limiting payments to Indian children, as defined
6 in the federal Indian Child Welfare Act, placed in accordance with
7 that act.

8 (g) To be eligible for federal financial participation, the
9 conditions described in paragraph (1), (2), (3), or (4) shall be
10 satisfied:

11 (1) (A) The child meets the conditions of subdivision (b).

12 (B) The child has been deprived of parental support or care for
13 any of the reasons set forth in Section 11250.

14 (C) The child has been removed from the home of a relative as
15 defined in Section 233.90(c)(1) of Title 45 of the Code of Federal
16 Regulations, as amended.

17 (D) The requirements of Sections 671 and 672 of Title 42 of
18 the United States Code, as amended, have been met.

19 (2) (A) The child meets the requirements of subdivision (h).

20 (B) The requirements of Sections 671 and 672 of Title 42 of
21 the United States Code, as amended, have been met.

22 (C) This paragraph shall be implemented only if federal financial
23 participation is available for the children described in this
24 paragraph.

25 (3) (A) The child has been removed from the custody of his or
26 her parent, relative, or guardian as a result of a voluntary placement
27 agreement or a judicial determination that continuance in the home
28 would be contrary to the child's welfare and that, if the child was
29 placed in foster care, reasonable efforts were made, consistent with
30 Chapter 5 (commencing with Section 16500) of Part 4, to prevent
31 or eliminate the need for removal of the child from his or her home
32 and to make it possible for the child to return to his or her home,
33 or the child is a nonminor dependent who satisfies the removal
34 criteria in Section 472(a)(2)(A)(i) of the federal Social Security
35 Act (42 U.S.C. Sec. 672 (a)(2)(A)(i)) and agrees to the placement
36 and care responsibility of the placing agency by signing the
37 voluntary reentry agreement, as set forth in subdivision (z) of
38 Section 11400, and any of the following applies:

39 (i) The child has been adjudged a dependent child of the court
40 on the grounds that he or she is a person described by Section 300.

1 (ii) The child has been adjudged a ward of the court on the
2 grounds that he or she is a person described by Sections 601 and
3 602 or the nonminor is under the transition jurisdiction of the
4 juvenile court, pursuant to Section 450.

5 (iii) The child has been detained under a court order, pursuant
6 to Section 319 or 636, that remains in effect.

7 (iv) The child's or nonminor's dependency jurisdiction, or
8 transition jurisdiction pursuant to Section 450, has resumed
9 pursuant to Section 387, or subdivision (a) or (e) of Section 388.

10 (B) The child has been placed in an eligible foster care
11 placement, as set forth in Section 11402.

12 (C) The requirements of Sections 671 and 672 of Title 42 of
13 the United States Code have been satisfied.

14 (D) This paragraph shall be implemented only if federal financial
15 participation is available for the children described in this
16 paragraph.

17 (4) With respect to a nonminor dependent, in addition to meeting
18 the conditions specified in paragraph (1), the requirements of
19 Section 675(8)(B) of Title 42 of the United States Code have been
20 satisfied. With respect to a former nonminor dependent who
21 reenters foster care placement by signing the voluntary reentry
22 agreement, as set forth in subdivision (z) of Section 11400, the
23 requirements for AFDC-FC eligibility of Section 672(a)(3)(A) of
24 Title 42 of the United States Code are satisfied based on the
25 nonminor's status as a child-only case, without regard to the
26 parents, legal guardians, or others in the assistance unit in the home
27 from which the nonminor was originally removed.

28 (h) The child meets all of the following conditions:

29 (1) The child has been adjudged to be a dependent child or ward
30 of the court on the grounds that he or she is a person described in
31 Section 300, 601, or 602.

32 (2) The child's parent also has been adjudged to be a dependent
33 child or nonminor dependent of the court on the grounds that he
34 or she is a person described by Section 300, 450, 601, or 602 and
35 is receiving benefits under this chapter.

36 (3) The child is placed in the same licensed or approved foster
37 care facility in which his or her parent is placed and the child's
38 parent is receiving reunification services with respect to that child.

39 SEC. 8. Section 11403 of the Welfare and Institutions Code is
40 amended to read:

1 11403. (a) It is the intent of the Legislature to exercise the
2 option afforded states under Section 475(8) (42 U.S.C. Sec.
3 675(8)), and Section 473(a)(4) (42 U.S.C. Sec. 673(a)(4)) of the
4 federal Social Security Act, as contained in the federal Fostering
5 Connections to Success and Increasing Adoptions Act of 2008
6 (Public Law 110-351), to receive federal financial participation
7 for nonminor dependents of the juvenile court who satisfy the
8 conditions of subdivision (b), consistent with their transitional
9 independent living case plan. These nonminor dependents shall
10 be eligible to receive support up to 21 years of age, consistent with
11 their transitional independent living case plan. It is the intent of
12 the Legislature both at the time of initial determination of the
13 nonminor dependent's eligibility and throughout the time the
14 nonminor dependent is eligible for aid pursuant to this section,
15 that the social worker or probation officer or Indian tribal placing
16 entity and the nonminor dependent shall work together to ensure
17 the nonminor dependent's ongoing eligibility. All case planning
18 shall be a collaborative effort between the nonminor dependent
19 and the social worker, probation officer, or Indian tribe, with the
20 nonminor dependent assuming increasing levels of responsibility
21 and independence.

22 (b) A nonminor dependent receiving aid pursuant to this chapter,
23 who satisfies the age criteria set forth in subdivision (a), shall meet
24 the legal authority for placement and care by being under a foster
25 care placement order by the juvenile court, or the voluntary reentry
26 agreement as set forth in subdivision (z) of Section 11400, and is
27 otherwise eligible for AFDC-FC payments pursuant to Section
28 11401. A nonminor who satisfies the age criteria set forth in
29 subdivision (a), and who is otherwise eligible, shall continue to
30 receive CalWORKs payments pursuant to Section 11253 or, as a
31 nonminor former dependent or ward, aid pursuant to Kin-GAP
32 under Article 4.5 (commencing with Section 11360) or Article 4.7
33 (commencing with Section 11385) or adoption assistance payments
34 as specified in Chapter 2.1 (commencing with Section 16115) of
35 Part 4. ~~A~~*Effective January 1, 2012, a nonminor former dependent*
36 *child or ward of the juvenile court who is otherwise eligible to*
37 *receive receiving* AFDC-FC benefits pursuant to Section 11405
38 and who satisfies the criteria set forth in subdivision (a) shall
39 ~~continue to~~ be eligible *to continue* to receive aid as long as the
40 nonminor is otherwise eligible for AFDC-FC benefits under this

1 subdivision. This subdivision shall apply when one or more of the
2 following conditions exist:

3 (1) The nonminor is completing secondary education or a
4 program leading to an equivalent credential.

5 (2) The nonminor is enrolled in an institution which provides
6 postsecondary or vocational education.

7 (3) The nonminor is participating in a program or activity
8 designed to promote, or remove barriers to employment.

9 (4) The nonminor is employed for at least 80 hours per month.

10 (5) The nonminor is incapable of doing any of the activities
11 described in subparagraphs (1) to (4), inclusive, due to a medical
12 condition, and that incapability is supported by regularly updated
13 information in the case plan of the nonminor. The requirement to
14 update the case plan under this section shall not apply to nonminor
15 former dependents or wards in receipt of Kin-GAP program or
16 Adoption Assistance Program payments.

17 (c) The county child welfare or probation department, Indian
18 tribe, consortium of tribes, or tribal organization that has entered
19 into an agreement pursuant to Section 10553.1, shall work together
20 with a nonminor dependent who is in foster care on his or her 18th
21 birthday and thereafter or a nonminor former dependent receiving
22 aid pursuant to Section 11405, to satisfy one or more of the
23 conditions described in paragraphs (1) to (5), inclusive, of
24 subdivision (b) and shall certify the nonminor's applicable
25 condition or conditions in the nonminor's six-month transitional
26 independent living case plan update, and provide the certification
27 to the eligibility worker and to the court at each six-month case
28 plan review hearing for the nonminor dependent. Relative
29 guardians who receive Kin-GAP payments and adoptive parents
30 who receive adoption assistance payments shall be responsible for
31 reporting to the county welfare agency that the nonminor does not
32 satisfy at least one of the conditions described in subdivision (b).
33 The social worker, probation officer, or tribal entity shall verify
34 and obtain assurances that the nonminor dependent continues to
35 satisfy at least one of the conditions in paragraphs (1) to (5),
36 inclusive, of subdivision (b) at each six-month transitional
37 independent living case plan update. The six-month case plan
38 update shall certify the nonminor's eligibility pursuant to
39 subdivision (b) for the next six-month period. During the six-month
40 certification period, the payee and nonminor shall report any

1 change in placement or other relevant changes in circumstances
2 that may affect payment. The nonminor dependent, or nonminor
3 former dependent receiving aid pursuant to subdivision (e) of
4 Section 11405, shall be informed of all due process requirements,
5 in accordance with state and federal law, prior to an involuntary
6 termination of aid, and shall simultaneously be provided with a
7 written explanation of how to exercise his or her due process rights
8 and obtain referrals to legal assistance. Any notices of action
9 regarding eligibility shall be sent to the nonminor dependent or
10 former dependent, his or her counsel, as applicable, and the placing
11 worker, in addition to any other payee. Payments of aid pursuant
12 to Kin-GAP under Article 4.5 (commencing with Section 11360)
13 or Article 4.7 (commencing with Section 11385), adoption
14 assistance payments as specified in Chapter 2.1 (commencing with
15 Section 16115) of Part 4, or aid pursuant to subdivision (e) of
16 Section 11405 that are made on behalf of a nonminor former
17 dependent shall terminate subject to the terms of the agreements.
18 Subject to federal approval of amendments to the state plan, aid
19 payments may be suspended and resumed based on changes of
20 circumstances that affect eligibility. Nonminor former dependents,
21 as identified in paragraph (2) of subdivision (aa) of Section 11400,
22 are not eligible for reentry under subdivision (e) of Section 388 as
23 nonminor dependents under the jurisdiction of the juvenile court,
24 unless (1) the nonminor former dependent was receiving aid
25 pursuant to Kin-GAP under Article 4.5 (commencing with Section
26 11360) or Article 4.7 (commencing with Section 11385), or the
27 nonminor former dependent was receiving aid pursuant to
28 subdivision (e) of Section 11405, or the nonminor was receiving
29 adoption assistance payments as specified in Chapter 2.1
30 (commencing with Section 16115) of Part 3 and (2) the nonminor's
31 former guardian or adoptive parent dies, or no longer provides
32 ongoing support to, *and no longer receive aid on behalf of*, the
33 nonminor after the nonminor turns 18 years of age but before the
34 nonminor turns 21 years of age. Nonminor former dependents
35 requesting the resumption of AFDC-FC payments pursuant to
36 subdivision (e) of Section 11405 shall complete the applicable
37 portions of the voluntary reentry agreement, as described in
38 subdivision (z) of Section 11400.

39 (d) A nonminor dependent may receive all of the payment
40 directly provided that the nonminor is living independently in a

1 supervised placement, as described in subdivision (w) of Section
2 11400, and that both the youth and the agency responsible for the
3 foster care placement have signed a mutual agreement, as defined
4 in subdivision (u) of Section 11400, if the youth is capable of
5 making an informed agreement, that documents the continued need
6 for supervised out-of-home placement, and the nonminor's and
7 social worker's or probation officer's agreement to work together
8 to facilitate implementation of the mutually developed supervised
9 placement agreement and transitional independent living case plan.

10 (e) Eligibility for aid under this section shall not terminate until
11 the nonminor dependent attains the age criteria, as set forth in
12 subdivision (a), but aid may be suspended when the nonminor
13 dependent no longer resides in an eligible facility, as described in
14 Section 11402, or is otherwise not eligible for AFDC-FC benefits
15 under Section 11401, or terminated at the request of the nonminor,
16 or after a court terminates dependency jurisdiction pursuant to
17 Section 391, delinquency jurisdiction pursuant to Section 607.2,
18 or transition jurisdiction pursuant to Section 452. AFDC-FC
19 benefits to nonminor dependents, may be resumed at the request
20 of the nonminor by completing a voluntary reentry agreement
21 pursuant to subdivision (z) of Section 11400, before or after the
22 filing of a petition filed pursuant to subdivision (e) of Section 388
23 after a court terminates dependency or transitional jurisdiction
24 pursuant to Section 391, or delinquency jurisdiction pursuant to
25 Section 607.2. The county welfare or probation department or
26 Indian tribal entity that has entered into an agreement pursuant to
27 Section 10553.1 shall complete the voluntary reentry agreement
28 with the nonminor who agrees to satisfy the criteria of the
29 agreement, as described in subdivision (z) of Section 11400. The
30 county welfare department or tribal entity shall establish a new
31 child-only Title IV-E eligibility determination based on the
32 nonminor's completion of the voluntary reentry agreement pursuant
33 to Section 11401. The beginning date of aid for either federal or
34 state AFDC-FC for a reentering nonminor who is placed in foster
35 care is the date the voluntary reentry agreement is signed or the
36 nonminor is placed, whichever is later. The county welfare
37 department, county probation department, or tribal entity shall
38 provide a nonminor dependent who wishes to continue receiving
39 aid with the assistance necessary to meet and maintain eligibility.

1 (f) (1) The county having jurisdiction of the nonminor
2 dependent shall remain the county of payment under this section
3 regardless of the youth's physical residence. Nonminor former
4 dependents receiving aid pursuant to subdivision (e) of Section
5 11405 shall be paid by their county of residence. Counties may
6 develop courtesy supervision agreements to provide case
7 management and independent living services by the county of
8 residence pursuant to the nonminor dependent's transitional
9 independent living case plan. Placements made out of state are
10 subject to the applicable requirements of the Interstate Compact
11 on Placement of Children, pursuant to Part 5 (commencing with
12 Section 7900) of Division 12 of the Family Code.

13 (2) The county welfare department, county probation
14 department, or tribal entity shall notify all foster youth who attain
15 16 years of age and are under the jurisdiction of that county or
16 tribe, including those receiving Kin-GAP, and AAP, of the
17 existence of the aid prescribed by this section.

18 (3) The department shall seek any waiver to amend its Title
19 IV-E State Plan with the Secretary of the United States Department
20 of Health and Human Services necessary to implement this section.

21 (g) (1) Subject to paragraph (3), a county shall pay the
22 nonfederal share of the cost of extending aid pursuant to this
23 section to eligible nonminor dependents who have reached 18
24 years of age and who are under the jurisdiction of the county,
25 including AFDC-FC payments pursuant to Section 11401, aid
26 pursuant to Kin-GAP under Article 4.7 (commencing with Section
27 11385), adoption assistance payments as specified in Chapter 2.1
28 (commencing with Section 16115) of Part 4, and aid pursuant to
29 Section 11405 for nonminor dependents who are residing in the
30 county as provided in paragraph (1) of subdivision (f). A county
31 shall contribute to the CalWORKs payments pursuant to Section
32 11253 and aid pursuant to Kin-GAP under Article 4.5 (commencing
33 with Section 11360) at the statutory sharing ratios in effect on
34 January 1, 2012.

35 (2) Subject to paragraph (3), a county shall pay the nonfederal
36 share of the cost of providing permanent placement services
37 pursuant to subdivision (c) of Section 16508 and administering
38 the Aid to Families with Dependent Children Foster Care program
39 pursuant to Section 15204.9. For purposes of budgeting, the
40 department shall use a standard for the permanent placement

1 services that is equal to the midpoint between the budgeting
2 standards for family maintenance services and family reunification
3 services.

4 (3) (A) (i) Notwithstanding any other law, a county's required
5 total contribution pursuant to paragraphs (1) and (2) shall not
6 exceed the amount of savings in Kin-GAP assistance grant
7 expenditures realized by the county from the receipt of federal
8 funds due to the implementation of Article 4.7 (commencing with
9 Section 11385), and the amount of funding specifically included
10 in the Protective Services Subaccount within the Support Services
11 Account within the Local Revenue Fund 2011, plus any associated
12 growth funding from the Support Services Growth Subaccount
13 within the Sales and Use Tax Growth Account to pay the costs of
14 extending aid pursuant to this section.

15 (ii) A county, at its own discretion, may expend additional funds
16 beyond the amounts identified in clause (i). These additional
17 amounts shall not be included in any cost and savings calculations
18 or comparisons performed pursuant to this section.

19 (B) Funding and expenditures for programs and activities under
20 this section shall be in accordance with the requirements provided
21 in Sections 30025 and 30026.5 of the Government Code. In
22 addition, the following are available to the counties for the purpose
23 of funding costs pursuant to this section:

24 (i) The savings in Kin-GAP assistance grant expenditures
25 realized from the receipt of federal funds due to the implementation
26 of Article 4.7 (commencing with Section 11385).

27 (ii) The savings realized from the change in federal funding for
28 adoption assistance resulting from the enactment of Public Law
29 110-351 and consistent with subdivision (d) of Section 16118.

30 (4) (A) The limit on the county's total contribution pursuant to
31 paragraph (3) shall be assessed by the State Department of Social
32 Services, in conjunction with the California State Association of
33 Counties, in 2015–16, to determine if it shall be removed. The
34 assessment of the need for the limit shall be based on a
35 determination on a statewide basis of whether the actual county
36 costs of providing extended care pursuant to this section are fully
37 funded by the amount of savings in Kin-GAP assistance grant
38 expenditures realized by the counties from the receipt of federal
39 funds due to the implementation of Article 4.7 (commencing with
40 Section 11385) and the amount of funding specifically included

1 in the Protective Services Subaccount within the Support Services
2 Account within the Local Revenue Fund 2011 plus any associated
3 growth funding from the Support Services Growth Subaccount
4 within the Sales and Use Tax Growth Account to pay the costs of
5 extending aid pursuant to this section.

6 (B) If the assessment pursuant to subparagraph (A) shows that
7 the statewide total costs of extending aid pursuant to this section
8 are fully funded by the amount of savings in Kin-GAP assistance
9 grant expenditures realized by the counties from the receipt of
10 federal funds due to the implementation of Article 4.7
11 (commencing with Section 11385) and the amount of funding
12 specifically included in the Protective Services Subaccount within
13 the Support Services Account within the Local Revenue Fund
14 2011 plus any associated growth funding from the Support Services
15 Growth Subaccount within the Sales and Use Tax Growth Account
16 to pay the costs of extending aid pursuant to this section, the
17 Department of Finance shall certify that fact, in writing, and shall
18 post the certification on its Internet Web site, at which time
19 subparagraph (A) of paragraph (3) shall no longer be implemented.

20 (h) It is the intent of the Legislature that no county currently
21 participating in the Child Welfare Demonstration Capped
22 Allocation Project be adversely impacted by the department's
23 exercise of its option to extend foster care benefits pursuant to
24 Section 673(a)(4) and Section 675(8) of Title 42 of the United
25 States Code in the federal Social Security Act, as contained in the
26 federal Fostering Connections to Success and Increasing Adoptions
27 Act of 2008 (Public Law 110-351). Therefore, the department shall
28 negotiate with the United States Department of Health and Human
29 Services on behalf of those counties that are currently participating
30 in the demonstration project to ensure that those counties receive
31 reimbursement for these new programs outside of the provisions
32 of those counties' waiver under Subtitle IV-E (commencing with
33 Section 470) of the federal Social Security Act (42 U.S.C. Sec.
34 670 et seq.).

35 (i) The department, on or before July 1, 2013, shall develop
36 regulations to implement this section in consultation with
37 concerned stakeholders, including, but not limited to,
38 representatives of the Legislature, the County Welfare Directors
39 Association, the Chief Probation Officers of California, the Judicial
40 Council, representatives of Indian tribes, the California Youth

1 Connection, former foster youth, child advocacy organizations,
2 labor organizations, juvenile justice advocacy organizations, foster
3 caregiver organizations, and researchers. In the development of
4 these regulations, the department shall consider its Manual of
5 Policy and Procedures, Division 30, Chapter 30-912, 913, 916,
6 and 917, as guidelines for developing regulations that are
7 appropriate for young adults who can exercise incremental
8 responsibility concurrently with their growth and development.
9 The department, in its consultation with stakeholders, shall take
10 into consideration the impact to the Automated Child Welfare
11 Services Case Management Services (CWS-CMS) and required
12 modifications needed to accommodate eligibility determination
13 under this section, benefit issuance, case management across
14 counties, and recognition of the legal status of nonminor
15 dependents as adults, as well as changes to data tracking and
16 reporting requirements as required by the Child Welfare System
17 Improvement and Accountability Act as specified in Section
18 10601.2, and federal outcome measures as required by the federal
19 John H. Chafee Foster Care Independence Program (42 U.S.C.
20 Sec. 677(f)). In addition, the department, in its consultation with
21 stakeholders, shall define the supervised independent living setting
22 which shall include, but not be limited to, apartment living, room
23 and board arrangements, college or university dormitories, and
24 shared roommate settings, and define how those settings meet
25 health and safety standards suitable for nonminors. The department,
26 in its consultation with stakeholders, shall define the six-month
27 certification of the conditions of eligibility pursuant to subdivision
28 (b) to be consistent with the flexibility provided by federal policy
29 guidance, to ensure that there are ample supports for a nonminor
30 to achieve the goals of his or her transition independent living case
31 plan. The department, in its consultation with stakeholders, shall
32 ensure that notices of action and other forms created to inform the
33 nonminor of due process rights and how to access them shall be
34 developed, using language consistent with the special needs of the
35 nonminor dependent population.

36 (j) Notwithstanding the Administrative Procedure Act, Chapter
37 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
38 Title 2 of the Government Code, the department shall prepare for
39 implementation of the applicable provisions of this section by
40 publishing, after consultation with the stakeholders listed in

1 subdivision (i), all-county letters or similar instructions from the
2 director by October 1, 2011, to be effective January 1, 2012.
3 Emergency regulations to implement the applicable provisions of
4 this act may be adopted by the director in accordance with the
5 Administrative Procedure Act. The initial adoption of the
6 emergency regulations and one readoption of the emergency
7 regulations shall be deemed to be an emergency and necessary for
8 the immediate preservation of the public peace, health, safety, or
9 general welfare. Initial emergency regulations and the first
10 readoption of those emergency regulations shall be exempt from
11 review by the Office of Administrative Law. The emergency
12 regulations authorized by this section shall be submitted to the
13 Office of Administrative Law for filing with the Secretary of State
14 and shall remain in effect for no more than 180 days.

15 SEC. 9. Section 11405 of the Welfare and Institutions Code is
16 amended to read:

17 11405. (a) Except for nonminors described in paragraph (2)
18 of subdivision (e), AFDC-FC benefits shall be paid to an otherwise
19 eligible child living with a nonrelated legal guardian, provided
20 that the legal guardian cooperates with the county welfare
21 department in all of the following:

22 (1) Developing a written assessment of the child's needs.
23 (2) Updating the assessment no less frequently than once every
24 six months.

25 (3) Carrying out the case plan developed by the county.

26 (b) Except for nonminors described in paragraph (2) of
27 subdivision (e), when AFDC-FC is applied for on behalf of a child
28 living with a nonrelated legal guardian the county welfare
29 department shall do all of the following:

30 (1) Develop a written assessment of the child's needs.
31 (2) Update those assessments no less frequently than once every
32 six months.

33 (3) Develop a case plan that specifies how the problems
34 identified in the assessment are to be addressed.

35 (4) Make visits to the child as often as appropriate, but in no
36 event less often than once every six months.

37 (c) Where the child is a parent and has a child living with him
38 or her in the same eligible facility, the assessment required by
39 paragraph (1) of subdivision (a) shall include the needs of his or
40 her child.

(d) Nonrelated legal guardians of eligible children who are in receipt of AFDC-FC payments described in this section shall be exempt from the requirement to register with the Statewide Registry of Private Professional Guardians pursuant to Sections 2850 and 2851 of the Probate Code.

(e) (1) A nonminor youth whose nonrelated guardianship was ordered in juvenile court pursuant to Section 360 or 366.26, and whose dependency was dismissed, shall remain eligible for AFDC-FC benefits until the youth attains 21 years of age, provided that the youth enters into a mutual agreement with the agency responsible for his or her guardianship, and the youth is meeting the conditions of eligibility, as described in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403.

(2) A nonminor former dependent or ward as defined in paragraph (2) of subdivision (aa) of Section 11400 shall be eligible for benefits under this section until the youth attains 21 years of age if all of the following conditions are met:

(A) The nonminor former dependent or ward attained 18 years of age while in receipt of Kin-GAP benefits pursuant to Article 4.7 (commencing with Section 11385).

(B) The nonminor's relationship to the kinship guardian is defined in paragraph (2), (3), or (4) of subdivision (c) of Section 11391.

(C) The nonminor who was under 16 years of age at the time the Kin-GAP negotiated agreement payments commenced.

(D) The guardian continues to be responsible for the support of the nonminor.

(E) The nonminor otherwise is meeting the conditions of eligibility, as described in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403.

(f) A child whose nonrelated guardianship was ordered in probate court pursuant Article 2 (commencing with Section 1510) of Chapter 1 of Part 2 of Division 4 of the Probate Code, who is attending high school or the equivalent level of vocational or technical training on a full-time basis, or who is in the process of pursuing a high school equivalency certificate prior to his or her 18th birthday may continue to receive aid following his or her 18th birthday as long as the child continues to reside in the guardian's home, remains otherwise eligible for AFDC-FC benefits and continues to attend high school or the equivalent level of vocational

or technical training on a full-time basis, or continues to pursue a high school equivalency certificate, and the child may reasonably be expected to complete the educational or training program or to receive a high school equivalency certificate, before his or her 19th birthday. Aid shall be provided to an individual pursuant to this section provided that both the individual and the agency responsible for the foster care placement have signed a mutual agreement, if the individual is capable of making an informed agreement, documenting the continued need for out-of-home placement.

(g) (1) For cases in which a guardianship was established on or before June 30, 2011, or the date specified in a final order, for which the time for appeal has passed, issued by a court of competent jurisdiction in California State Foster Parent Association, et al. v. William Lightbourne, et al. (U.S. Dist. Ct. No. C 07-05086 WHA), whichever is earlier, the AFDC-FC payment described in this section shall be the foster family home rate structure in effect prior to the effective date specified in the order described in this paragraph.

(2) For cases in which guardianship has been established on or after July 1, 2011, or the date specified in the order described in paragraph (1), whichever is earlier, the AFDC-FC payments described in this section shall be the basic foster family home rate set forth in paragraph (1) of subdivision (g) of Section 11461.

(3) The AFDC-FC payments identified in this subdivision shall be adjusted annually by the percentage change in the California Necessities Index rate as set forth in paragraph (2) of subdivision (g) of Section 11461.

(h) In addition to the AFDC-FC rate paid, all of the following also shall be paid:

(1) A specialized care increment, if applicable, as set forth in subdivision (e) of Section 11461.

(2) A clothing allowance, as set forth in subdivision (f) of Section 11461.

(3) For a child eligible for an AFDC-FC payment who is a teen parent, the rate shall include the two hundred dollar (\$200) monthly payment made to the relative caregiver in a whole family foster home pursuant to paragraph (3) of subdivision (d) of Section 11465.

1 SEC. 10. If the Commission on State Mandates determines
2 that this act contains costs mandated by the state, reimbursement
3 to local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

O